

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:**  
**FRANCISCO NIEVES PIZARRO**  
**Social Security: xxx-xx-1680**  
**MARILYN CUADRADO NIEVES**  
**Social Security: xxx-xx-5850**

**Address:**  
**PO BOX 2947**  
**GUAYNABO, PR 00970**

**DEBTORS**

**CASE NO. 19-07570-EAG/C**

**CHAPTER 13**

**MOTION TO ALLOW MORATORIUM/MODIFICATION  
AS TO PLAN PAYMENTS**

**TO THE HONORABLE COURT:**

**COME NOW** Debtors, represented by Legal Partners, PSC., and through the undersigned attorney respectfully represent and pray as follows:

**INTRODUCTION**

1. The appearing party moves the Court pursuant to Section 1329 of Title 11 of the United States Code, Rule 9013 of the Rules of Bankruptcy Procedure for the entry of an order to amend and modify the confirmed Chapter 13 Plan.
2. This case was commenced by the filing of a petition with the Clerk of this court on December 28, 2022, see docket entry number 1.
3. The Chapter 13 plan dated December 26, 2019, docket entry number 2, was subsequently confirmed by order of this Court, see docket entry number 64.
4. The confirmed plan presently provides for a monthly payment of \$600.00, and a total base of \$36,000.00 and 24 plan payments (months) remain to be made.

5. On September 16, 2022, the Trustee filed a motion to dismiss because the Debtors did not remit the amount of \$4,944.00, from the tax refunds. The Debtors will not be able to pay this amount into the plan immediately, since different health ailments of the Debtor lead them to use the refunds.

6. The Debtors will not be able to make the payment of the tax refunds identified in paragraph number (4) for good cause.

7. The Debtors informed and believe and therefore allege that they will be able to make the payment of the \$4,944.00, owed from the tax refunds in four installment payments. The first payment will be made on February 28, 2022, in the amount of \$1,236.00. Thereafter, every 3 months on the 28<sup>th</sup> the Debtors will make a payment of \$1,236.00 until the completion of the \$4,944.00. It is anticipated that by that time the Debtors will be more financially stable and will be able to remit the tax refunds to the plan.

8. The Debtors are therefore moving the Court for a moratorium on the missed tax refund payments totaling \$4,944.00 referred to in paragraph number 4, above.

**NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING  
LOCAL RULE 9013-1**

Within **TWENTY ONE (21)** days after service as evidenced by the certification, and an additional **THREE (3)** days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against

public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

**WHEREFORE**, the appearing party respectfully prays of the Court as follows:

A. That the requested moratorium be granted, for the payment of the tax refunds to the plan totaling \$4,944.00;

B. That the Debtors be granted such other and further relief as to the Court may seem just and proper.

**I HEREBY CERTIFY** that on this date, I electronically filed the foregoing with the Clerk of the Court using the **CM/ECF** system which will send notification, upon information and belief, of such filing to: **CM/ECF participants Monsita Lecaroz Arribas, Esq.**, U.S. Trustee's Office, and **José R. Carrión, Esq.**, in addition to any and all parties registered in this case to receive **CM/ECF Notices**. We will serve by regular mail this document to any the above-named persons, upon knowing that they are non **CM/ECF participants**.

**RESPECTFULLY SUBMITTED.**

In Carolina, Puerto Rico, December 12, 2022

**LEGAL PARTNERS, P.S.C.**  
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